



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
City of New York,

Counterclaim Plaintiff,

-against-

Andre Dennis and Carlo Nappi,

Counterclaim Defendants.
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KATHARINE H. PARKER, UNITED STATES MAGISTRATE JUDGE

SUPPLEMENTAL BRIEFING ORDER

20-CV-7251 (PAE) (KHP)

This case has been referred to me to conduct an inquest on damages. (ECF Nos. 36,64.) On August 12, 2021, the City of New York filed its inquest papers and supporting affidavits. The undersigned held a hearing on September 30, 2021 and now requests supplemental briefing as outlined below:

1. Whether the City may collect taxes on cigarettes shipped from out of state to the Shinnecock Indian Reservation in Southampton, New York absent evidence a cigarette shipment was sold or intended to be sold within New York City boundaries or to New York City residents?
2. Whether the City has sufficient evidence supporting harm/damages to it for shipments of cigarettes shipped/transported to the Shinnecock Indian Reservation in Southampton, New York; that is, may the City recover damages under the CCTA and RICO for shipments of cigarettes shipped/transported to the Shinnecock Indian Reservation absent evidence such cigarettes were sold to New York City residents or sold in New York City boundaries?

3. Except for the shipments on May 29, 2019 and June 19, 2019, whether there is evidence that the cigarette shipments at issue all traveled through or were possessed within New York City?

To the extent the City has additional evidence relevant to the above questions, it may submit it in connection with its supplemental brief. The City shall submit the supplemental briefing by **November 30, 2021**.

SO ORDERED.

Dated: November 2, 2021
New York, New York



KATHARINE H. PARKER
United States Magistrate Judge